

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SHARI KAVALIN, an individual; <i>et al.</i> ,	:	CASE NO.: 1:11-cv-00006-WMS-HBS
	:	
Plaintiffs,	:	
	:	
vs.	:	
	:	
CR-ONE SOLUTIONS, a New York fictitious	:	AFFIDAVIT OF WILLIAM F. HORN IN
business entity; <i>et al.</i> ,	:	SUPPORT OF PLAINTIFF'S
	:	UNOPPOSED MOTION TO DISMISS
	:	WITH PREJUDICE AND
Defendants.	:	PROPOSED ORDER
	x	

I, William F. Horn, of full age, hereby certify as follows:

1. I am an attorney duly admitted to practice law in the State of New York and the Bar of this Court. I am co-counsel of record for Plaintiff, Shari Kavalin. As such, I am familiar with all of the facts set forth herein and state them to be true. I submit this affidavit in support of Plaintiff's Unopposed Motion to Dismiss.

2. On March 14, 2013, the Parties consummated a settlement to resolve all of Plaintiff's legal claims at issue in this lawsuit on an individual basis and, as part of that settlement, Plaintiff agreed to dismiss the lawsuit in its entirety as to the remaining Defendants.

3. At the time Plaintiff consummated their settlement, the Parties signed a Stipulation of Dismissal with respect to Defendant, The Jeffrey Crone Trust; however, the Parties neglected to prepare and sign a Stipulation of Dismissal as to the remaining Defendants following execution of their settlement agreement. Accordingly, today I sent an e-mail to Defendants advising of this oversight and of Plaintiff's intent to file instead a Motion to Dismiss; Defendants replied via e-mail advising that they do not oppose Plaintiff's motion. Attached hereto as **Exhibit A** is a true and correct copy of the Parties foregoing e-mail exchange.

In accordance with 28 U.S.C. §1746, I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this 12th day of April 2013, at Fresh Meadows, New York.

s/ William F. Horn

William F. Horn, Esq. (WH-1070)
LAW OFFICE OF WILLIAM F. HORN
188-01B 71st Crescent
Fresh Meadows, NY 11365
Telephone: (718) 785-0543
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E-Mail: bill@wfhlegal.com

One of the Attorneys for Plaintiff, Shari Kavalin

EXHIBIT “A”

From: [William F. Horn](#)
To: [Jeff Crone](#)
Cc: [Andrew T. Thomasson](#)
Subject: RE: Kavalin v CR-One
Date: Friday, April 12, 2013 12:27:48 PM

Thanks.

From: Jeff Crone [mailto:crone01@live.com]
Sent: Friday, April 12, 2013 12:18 PM
To: William F. Horn
Subject: RE: Kavalin v CR-One

Hello, We agree and will not oppose.

From: bill@wfhlegal.com
To: crone01@live.com
CC: andrew@wfhlegal.com
Subject: RE: Kavalin v CR-One
Date: Fri, 12 Apr 2013 16:06:41 +0000

Mr. Crone,

When we drafted and executed the Stipulation to Dismiss the Trust and the Settlement we forgot to provide a Stipulation to Dismiss to other Defendants. Rather than waste time to forward to you additional documents to review I am planning on filing a Motion to Dismiss the other Defendants. May I state in the Motion that it is unopposed? Again, all it is doing is dismissing Plaintiff's case against the other Defendants.

Regards.

William F. Horn
Law Office of William F. Horn
188-01B 71st Crescent
Fresh Meadows, NY 11365
Telephone: 718.785.0543
Facsimile: 866.596.9003

From: Jeff Crone [mailto:crone01@live.com]
Sent: Thursday, March 14, 2013 7:12 PM
To: William F. Horn
Subject: RE: Kavalin v CR-One

I was informed that the executed agreement has been sent. Sorry for the delay.

From: bill@wfhlegal.com
To: crone01@live.com
CC: r_arleo@verizon.net; andrew@wfhlegal.com
Subject: RE: Kavalin v CR-One
Date: Thu, 14 Mar 2013 15:19:14 +0000
Any idea when you will return the documents? They were to have been filed yesterday with the Court.

Thanks again.

Bill

From: Jeff Crone [<mailto:mailto:crone01@live.com>]
Sent: Wednesday, March 13, 2013 7:14 PM
To: William F. Horn
Subject: RE: Kavalin v CR-One

We will execute these docs and return them presently. Regards, Jeffrey Crone

From: bill@wfhlegal.com
To: crone01@live.com
CC: r_arleo@verizon.net; andrew@wfhlegal.com
Subject: Kavalin v CR-One
Date: Wed, 13 Mar 2013 19:39:25 +0000
Mr. Crone,

Attached hereto are the settlement documents

Please review and, if acceptable, sign and return them to me.

Regards.
Bill

William F. Horn
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